

RECORD OF OFFICIAL PROCEEDINGS OF THE COMMON COUNCIL
CITY OF ROCHESTER, MINNESOTA
Regular Adjourned Meeting No. 25 – October 20, 2003

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Agenda Item	
A-1	No one wished to be heard during the Open Comment Period.
B-1	<p>President John Hunziker called the meeting to order at 7:00 P.M. with the following members present: Councilmembers Dennis Hanson, Jean McConnell, Sandra Means, Bob Nowicki, Walter Stobaugh. Absent: Councilmember Marcia Marcoux. Also present: Mayor Ardell F. Brede.</p> <p>President Hunziker recognized Boy Scout Troop 186 from St. Francis of Assisi School.</p>
D-1-24	Councilmembers Hanson moved, Stobaugh seconded, to approve the following consent agenda items.
D-1	Approved the minutes of the October 6, 2003, meeting.
D-2	Approved the reappointment of Tom Meddock to the Housing Board of Appeals for a third term expiring April 2005.
D-3	Adopted Resolution No. 539-03 approving the revised Memorandum of Understanding Agreement for CSAH (Valleyhigh Road N.W.) County road improvements and costs.
D-4	Adopted Resolution No. 540-03 approving the purchase of a Bowmonk Brake Meter for runway friction measurements at the Rochester International Airport and accepting a State Aid Agreement for 60 percent of the purchase price of \$5,074.73.
D-5	Adopted Resolution No. 541-03 approving additional State Funding in the amount of \$49,875.88 for three past projects at the Rochester International Airport (Site Preparation for T-Hanger #4, Terminal Building Security Modifications, and Airport Entrance Road Improvements and Parking Lot Expansion).
D-6	Adopted Resolution No. 542-03 authorizing the Mayor and City Clerk to sign Change Orders #1, 2, 3, and 4 for the Boiler Replacement Project at the Rochester International Airport.
D-7	<p>Approved the following licenses and miscellaneous activities:</p> <p><u>Gambling – Temporary</u></p> <p style="padding-left: 40px;">Paws & Claws Humane Society – Raffle at Kahler Grant Hotel – November 7, 2003.</p> <p style="padding-left: 40px;">Minnesota Deer Hunters Association – Raffle at Mayo Civic Center – February 21, 2004.</p> <p style="padding-left: 40px;">Elton Hills PTSA – Raffle at Elton Hills School – November 13, 2003.</p> <p style="padding-left: 40px;">R.A.D.A.R. – Raffle at Radisson Plaza Hotel Ballroom – January 30 through February 1, 2004 and at R.A.D.A.R. Offices – May 17, 2004.</p> <p><u>Gambling – Premise Permit</u></p> <p style="padding-left: 40px;">Rochester Juvenile Hockey Association – gambling at Kathy's Pub, 307 South Broadway</p>

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	<p><u>Heating Contractor</u> Ramsey-Erdman Construction LLC, Rochester</p> <p><u>Moving Permit – House</u> People of Hope Lutheran Church House from 837 Fourth Avenue to 3703 Country Club Road West – October 22, 2003.</p> <p><u>Liquor – On-Sale Temporary</u> Lourdes High School – Live Auction at Lourdes Auditorium – November 1, 2003.</p> <p><u>Master Installer</u> Lee Erdmann, Rochester</p> <p><u>Sidewalk – Cement</u> Steenberg-Watrud Construction LLC, Inver Grove Heights</p> <p><u>Sign Installers</u> Crosstown Signs, Inc., Blaine Midwest Signcrafters & Electric Company, Lavista, Nebraska DeMars Signs, Coon Rapids</p>
D-8	Approved the On-Sale Wine and 3.2 Beer License for Chin's Asia Fresh Restaurant at 102 Apache Mall.
D-9	See at end of D Items.
D-10	Adopted Resolution No. 543-03 setting a public hearing on November 17, 2003, for the assessment of unpaid Weed Removal, Snow Removal, Debris Removal, Tree Removal, Impound Towing, Secure Property, Water Service, Sidewalk Repair, and Electric/Sewer/Water.
D-11	Approved Accounts Payable in the amount of \$5,012,384.53 and Investment Purchases of \$8,736,411.40.
D-12	Accepted donations of \$50.00 from Carol Kallberg for firefighter pizza and \$600 from LaSata Salon and Spa for protective clothing for the Rochester Fire Department.
D-13	Adopted Resolution No. 544-03 approving the Wetland Delineation and Replacement Plan for Pinewood Ridge Subdivision.
D-14	Accepted a donation of \$1500 from Wal-Mart North for police equipment/supplies.
D-15	Adopted Resolution No. 545-03 authorizing the signing of the Highway Maintenance Agreement for July 1, 2003 to June 30, 2004 with the County of Olmsted for maintenance of 10.65 miles of County highways within the City of Rochester.

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D-16	<p>Adopted Resolution No. 546-03 amending the <u>Comprehensive Traffic and Parking Resolution Book</u>, Paragraph 10 of Section E "Passenger Loading Zones" to read:</p> <p>(10) West center Street, on the south side, from a point 130 feet more or less west of 4th Avenue to a point 100 feet more or less east of 6th Avenue.</p>
D-17	<p>Adopted Resolution No. 547-03 accepting voluntary participation by Bethel Lutheran Church in the City's Regional Storm Water Management Plan.</p>
D-18	<p>Adopted Resolution No. 548-03 approving the First Amendment to City/Owner Contract for Project No. J-9810 "Basic Construction in Circle 19 Plaza Second Subdivision" with B & H Development LLC and Friedrich Construction, Inc.</p>
D-19	<p>Adopted Resolution No. 549-03 approving a City/Owner Contract for Project No. J-5083 - Phase 2 "Relocation of Public Utilities in West Center Street from 3rd Avenue to 5th Avenue, for the Mayo Pedestrian Subway" with the Mayo Clinic Rochester and Fraser Construction, Inc.</p> <p>Councilmember Stobaugh acknowledged his working relationship with the Mayo Foundation.</p>
D-20	<p>Adopted Resolution No. 550-03 approving a City/Owner Contract for Project No. J-5102 "Basic Construction in Pinewood Ridge Subdivision" with By Us LLC and Elcor Construction, Inc.</p>
D-21	<p>Adopted Resolution No. 551-03 amending the <u>Comprehensive Traffic and Parking Resolution Book</u> adding Paragraph 193.65 to Section B "No Parking" as follows:</p> <p>(193.65) 12th Street NE on both sides, from North Broadway to a point 140 feet, more or less, east of North Broadway, 8:00 PM to 4:00 AM</p>
D-22	<p>Adopted Resolution No. 552-03 approving the execution of the Contribution Agreement with Joel Bigelow and Sons Enterprises, Inc. for sewer and water lines to Kingsbury Hills 4th.</p>
D-23	<p>Adopted Resolution No. 553-03 amending the <u>Comprehensive Traffic and Parking Resolution Book</u> to add Paragraph 2.9 to Section J "Passenger and Commodity Loading Zones" as follows:</p> <p>(2.9) 2nd Street NW on the north side, one stall centered 145 feet, more or less, west of 2nd Avenue NW, 10-minute limit.</p> <p>Councilmember Stobaugh acknowledged his working relationship with the Mayo Foundation.</p>

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D-24	<p>Adopted Resolution No. 554-03 approving the revocable permit with Bamber Valley Development LLC for the aeration filler pipe located within Bamber Valley Estates Subdivision.</p> <p>Ayes (6), Nays (0). Motion carried.</p>
D-9	<p>Terry Adkins, City Attorney, said that by State Law the City Council must approve the application, deny the application or take no action. If, within 60 days after notice that the application has been submitted the Council fails to take any action, the license is deemed to be approved. If the Council wanted to take the same action it took in past years, Mr. Adkins suggested they adopt a resolution taking no action on the license application.</p> <p>Councilmembers Hansen moved, Stobaugh seconded, to adopt Resolution No. 555-03 taking no action on the renewal of the Currency Exchange License for Pawn America Minnesota LLC. Ayes (6), Nays (0). Motion carried.</p>
E-1	<p>A Continued Hearing on Final Plat #99-24 by Franklin Kottschade to be known as Essex Estates 5th Subdivision located east of Cornwall Drive NW and north of Real Life Cooperative of Rochester and Aldrich Memorial Nursery School, Inc.</p> <p>Wishing to be heard was Dale Allen, Yaggy-Colby Associates, representing Franklin Kottschade. Mr. Allen noted agreement with the five conditions including the dedication of easements for Condition #3.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, McConnell seconded, to adopt Resolution No. 556-03 approving Final Plat #99-24 by Franklin Kottschade to be known as Essex Estates 5th Subdivision with five conditions. Ayes (6), Nays (0). Motion carried.</p>
E-2	<p>A Continued Hearing on Final Plat #02-28 by Denny Peterson to be known as Pine Ridge Estates Fifth Subdivision on property located east and north of Ponderosa Drive SW.</p> <p>Wishing to be heard was Andrew Tauferner, 2259 Ponderosa Drive S.W. He thanked the Public Works Department and the City Council for the progress on items that had not previously been completed. He said that they now have a finished road in front of their house. He, however, was concerned about the plans for the secondary road which will remain gravel. He asked if the construction traffic could take the secondary road rather than Ponderosa Drive. Mr. Tauferner was also concerned about the maintenance of the secondary road since it will not be paved at this time.</p> <p>Mike Nigbur, Public Works, said that the concern Public Works staff has is if the construction traffic is moved from Ponderosa Drive to the secondary access roadway you are shifting who the burden will be on. The secondary roadway has a 1000 foot gap with no houses and at the bottom of the hill there are other owners in residence that have no bituminous roadway and no construction traffic between</p>

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them. Once the 1000 foot separation is developed, the road will be paved. Mr. Nigbur said that there is a provision in the maintenance agreement with the developer to take care of any problems with an accompanying bond if maintenance is not satisfied.

Wishing to be heard was Megan Pfrimmer, 2315 Ponderosa Drive S.W. Ms. Pfrimmer said that there is not a lot of sidewalk from where she lives to the bus stop. There are approximately 11 children that need to walk into the street to get to the bus stop because of the lack of completed sidewalks. She noted that the construction trucks drive fast. Another access or the addition of sidewalks may help the problem.

Mike Nigbur, Public Works Department, said that there is a gap in the sidewalks at the present time where there is a temporary pond for stormwater drainage. These two particular lots have no houses on them so the City does not require the sidewalks to be built. The lots will not be built on for several years because of the pond.

Wishing to be heard was Jeff Noll, 1539 Monterey Lane S.W. He also thanked the staff and Council for addressing the concerns brought before them a few weeks ago. He emphasized the fact that there are a number of small children in the neighborhood. The temporary sediment pond needs to be seriously looked at. He would like the pond to be more closely monitored to insure that if a child falls into the pond, they are able to get out. Mosquitoes are a problem. There are no warning signs around the pond. Mr. Noll was concerned about the misinformation that may be given to new owners from the developer and/or realtor on the problem of water pressure. The current residents were not informed. President Hunziker told Mr. Noll that the City notifies the developer about the problem and it is then a private matter where the City has no authority to be involved. Mr. Noll said that there are number of unbuilt lots at this time where garbage and trash are stored by the builder. Gary Neumann, Assistant City Administrator, said that he has talked with the Building Safety Department about the cleanup of the empty lots. Phil Wheeler, Planning Department Director, said that both the housing code and County solid waste ordinance address debris.

Wishing to be heard was Dale Allen, Yaggy-Colby Associates, representing the developer, Denny Peterson. He asked that the Council approve the plat.

Gary Neumann, Assistant City Administrator, noted that two additional conditions were recommended and asked if the developer was in agreement with those two conditions. Those two conditions would be:

(6) No building permits will be issued for the last ten (10) lots in the Pine Ridge Estates Fifth addition until or unless the final punch list items for the street and utility improvements in Pine Ridge Estates Fifth are completed to the satisfaction of the Public Works Department, and

(7) The developer would be required to provide a letter of credit or establish an escrow account in the amount of \$2000 to assure the maintenance of

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	<p>this secondary access. Public Works is to have access to this funding to maintain the access if the developer does not maintain it adequately.</p> <p>Wishing to be heard was Denny Peterson, Developer of the Pine Ridge Estates Fifth Addition, noted that he was in agreement with the seven conditions. Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Nowicki seconded, to adopt Resolution No. 557-03 approving Final Plat #02-28 by Denny Peterson to be known as Pine Ridge Estates Fifth Subdivision with seven conditions including the two conditions added. Discussion.</p> <p>Councilmember Hanson asked the City Attorney if the City has any liability issued on the temporary pond causing the children to walk into the street? Is there enough distance between the curb and the temporary pond to connect the sidewalk?</p> <p>Terry Adkins, City Attorney, said that technically the City has no liability since it is a policy issue; it is more of a safety issue than a legal issue. As long as the Council abides by its legislative policy, it should not be exposed to any future liability.</p> <p>Mike Nigbur, Public Works Department, said that if the Council requires a sidewalk to be constructed between the vacant lots, there are other situations throughout the City that may also have to be required. Policy requires the sidewalks to be installed due to building construction.</p> <p>Ayes (6), Nays (0). Motion carried.</p>
E-3	<p>A Continued Hearing on Final Plat #03-31 by Arcon Development, Inc. to be known as Crimson Ridge Second Subdivision located along the west side of 18th Avenue NW and north of the Volunteers of America Development.</p> <p>Wishing to be heard was Dale Allen, Yaggy-Colby Associates, representing the developer. They were in agreement with the five conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, Means seconded, to adopt Resolution No. 558-03 approving Final Plat #03-31 by Arcon Development, Inc. to be known as Crimson Ridge Second Subdivision. Ayes (6), Nays (0). Motion carried.</p>
E-4	<p>A Hearing on Zoning District Amendment #03-16 by Western Walls, Inc. to amend the Floodway and Flood Fringe boundaries and related 100 Year Flood Protection Elevations for a portion of the South Run of the North Fork of Cascade Creek located in the Manorwood Lakes Sixth and Seventh Subdivisions.</p> <p>Wishing to be head was Chuck DeWitz, 604 11th Avenue N.W., applicant. He was available for questions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p>

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E-5	<p>Councilmembers Hanson moved, Stobaugh seconded, to adopt Resolution No. 559-03 approving Zoning District Amendment #03-16 by Western Walls, Inc. Ayes (6), Nays (0). Motion carried.</p> <p>A Hearing on Zoning District Amendment #03-17 by Mark Leitzen to amend the zoning from R-1 to the B-1 on property is located east of HyVee, north of West River Parkway, south of 37th Street NW and west of the Zumbro River.</p> <p>Wishing to be heard was Gary Leitzen, 6165 Tenth Street S.W., representing the Leitzen Parkway property. He noted that they have received an interim grading permit. In time, they would like to put commercial buildings on the property when filled. They had asked for B-4 zoning originally but there were problems with heights of buildings, hours, signage, and types of businesses.</p> <p>Wishing to be heard was George Berg, 3406 Leisure Court N.W. He noted that at the information meeting Mr. Leitzen gave a good summation of the plans for the property. He does not have any specific businesses at this time. Mr. Leitzen has indicated that he will not build until he has someone wanting a business. The buildings will be up scale with up scale businesses. Mr. Leitzen lost the fill from the TH52 project. What will happen when fill is not available for some time? Can the property be sold to someone else? Mr. Berg and his neighbors were hoping for a B-5 district which would be more restrictive and yet would allow the Leitzens to develop what they wanted.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Means moved, McConnell seconded, to approve Zoning District Amendment #03-17 by Mark Leitzen and instructed the City Attorney to prepare the required ordinance for adoption. Ayes (6), Nays (0). Motion carried.</p>
E-6	<p>A Hearing on General Development Plan #215 to be known as Leitzen West River Parkway by Mark Leitzen property is located east of HyVee, north of West River Parkway, south of 37th Street NW and west of the Zumbro River.</p> <p>Wishing to be heard was Gary Leitzen, 6561 Tenth Street S.W. Mr. Leitzen said that the general development plan will have low density on ten acres of land. Five acres is not favorable and cannot be developed; there is only about 5000 feet of buildable space. There will be a lot of green space with a large setback. Mr. Leitzen said that it will take a couple of years to get the needed 35,000 cubic yards of fill. He noted agreement with the eight conditions.</p> <p>Wishing to be heard was George Berg, 3406 Leisure Court N.W. Mr. Berg was concerned that filling might occur in the flood easement area. The drawing shows the building next to the floodway line. The normal flow area of the river is taken away for any high water that will come up. There is approximately a ten-foot drop from the end of the parking lot to the river. Mr. Berg asked that the access to the south not be constructed until the property is actually developed because of the traffic that may flow onto West River Parkway. Mr. Berg then pointed out that many</p>

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	<p>of the trees have been cut and there are large accumulations of logs and tree chips that may pose a hazard, as well as an aesthetic concern, if heavy rains occur.</p> <p>Phil Wheeler, Planning Department Director, said that parking lots are a permitted use in the floodway. If the lots are consistent with the grading plan, there will be no floodway problems. There is no storage of materials in the floodway. However, when people are removing trees and it is ongoing, the City allows debris to accumulate for a reasonable period of time.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Means moved, McConnell seconded, approved General Development Plan #215 to be known as Leitzen West River Parkway by Mark Leitzen with eight conditions and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Discussion.</p> <p>Councilmember Means asked how long can the debris accumulate. Phil Wheeler, Planning Department Director, said that if there is activity, they leave it alone. No activity, it is acted upon. The debris would not be allowed to accumulate over the winter.</p> <p>Councilmember Means asked about the traffic flow on West Center Street with currently about 8,000 vehicles projected to 13,500 vehicles by 2025. She asked if there would be any concern about the road and additional traffic over time. Doug Nelson, Public Works Department, said that a four-lane road would be needed at about 15,000 to 20,000 cars. He said that if additional traffic is placed on the road, future improvements might be needed at that time.</p> <p>Ayes (6), Nays (0). Motion carried.</p>
E-7	<p>A Hearing on Final Plat #03-23 by By Us LLC to be known as Pinewood Ridge Subdivision located south of Pinewood Road SE and west of 30th Avenue SE.</p> <p>Wishing to be heard was Dale Allen, Yaggy-Colby Associates, representing the developer. Mr. Allen noted their agreement with the four conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, McConnell seconded, to adopt Resolution No. 560-03 approving Final Plat #03-23 by By Us LLC to be known as Pinewood Ridge Subdivision with four conditions. Ayes (6), Nays (0). Motion carried.</p>
E-8	<p>A Hearing on Final Plat #03-33 by Premier Bank of Rochester to be known as Premier Bank Rochester Subdivision located in the southeast corner of the intersection of North Broadway (TH 63 North) and 37th Street NE (CSAH 22).</p> <p>Wishing to be heard was Josh Johnson, McGhie & Betts, representing the developer. He noted agreement with the five conditions. In talking with Public Works, he asked that the first sentence in Condition #1 be changed to read:</p>

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	<p>“...shall be limited to no more than 32 feet <u>until the applicant receives approval to widen the driveway to greater than 32 feet</u> and which shall also meet access spacing standards.”</p> <p>Mike Nigbur, Public Works Department, noted agreement with the change in the condition.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, Nowicki seconded, to adopt Resolution No. 561-03 approving Final Plat #03-33 by Premier Bank of Rochester to be known as Premier Bank Rochester Subdivision with 5 conditions and amending condition #1. Ayes (6), Nays (0). Motion carried.</p>
E-9	<p>A Hearing on Final Plat #03-34 by Maine Street Investors to be known as The Gardens Third Subdivision located along the east side of St. Bridgets Road and along the north side of 45th Street SE.</p> <p>Wishing to be heard was Dale Allen, Yaggy-Colby Associates, representing the developer. Mr. Allen noted their agreement with the two conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers McConnell moved, Hanson seconded, to adopt Resolution No. 562-03 approving Final Plat #03-34 by Maine Street Investors to be known as The Gardens Third Subdivision with two conditions. Ayes (6), Nays (0). Motion carried.</p>
E-10	<p>A Hearing on Final Plat #03-35 by Silvercrest Properties to be known as Fairway Ridge located along the east side of West Circle Drive, south of Country Club Road (County Road 34) and north of the FoxCroft Development.</p> <p>Wishing to be heard was Josh Johnson, McGhie & Betts, representing the developer. He noted agreement with the three conditions. Mr. Johnson said that originally the property had been approved for a much higher usage as R-3 property. The applicant will be putting townhomes, totaling 75-80 units, on ten acres.</p> <p>Wishing to be heard was Bonnie Nelson, 3239 Fox Hollow Lane S.W. Ms. Nelson told the Council that she thought the engineer had done a great job with the project. She asked why the developer put a green space in the front of the co-ops. She thought that there would be more traffic with the garages for the co-op units. She asked that the project be divided into three subdivisions. Ms. Nelson was told that the general development plan for the project would be brought forward at the November 3, 2003, meeting where these items will be discussed.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, McConnell seconded, to adopt Resolution No. 563-02 approving Final Plat #03-35 by Silvercrest Properties to be known as Fairway Ridge with three conditions. Ayes (6), Nays (0). Motion carried.</p>

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E-11	<p>A Hearing on Vacation Petition #03-07, by Water Instruments, Inc. to vacate Public Right-of-Way located south of Schuster Lane NW, north of 7th St. NW and west of the Minnesota Dakota and Eastern railroad tracks.</p> <p>Wishing to be heard was Josh Johnson, McGhie & Betts, representing the applicant. Mr. Johnson was available for questions from the Council. He noted that the road was never constructed and no utilities built.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers McConnell moved, Nowicki seconded, to adopt Resolution No. 564-03 approving Vacation Petition #03-07, by Water Instruments, Inc. Ayes (6), Nays (0). Motion carried.</p>
E-12	<p>A Hearing to Consider the Establishment of Development District No. 28, Adopt the Development Program for the Development District, and Establish with the Development District Tax Increment Financing District No. 28-1.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Nowicki seconded, to adopt Resolution No. 565-03 approving the Establishment of Development District No. 28, adopting the Development Program for the Development District, and establishing the Development District Tax Increment Financing District No. 28-1. Ayes (6), Nays (0). Motion carried.</p>
F-1	<p>Councilmembers Hanson moved, Stobaugh seconded, to adopt Resolution No. 566-03 approving the execution of a Development Assistance Agreement with Lumber One, Avon, Inc. by the Mayor and City Clerk for the Villas of Valley Side Two, CIC 233 Subdivision (#28-1) Tax Increment Financing Project. Ayes (6), Nays (0). Motion carried.</p>
F-2	<p>Councilmembers Hanson moved, Nowicki seconded, to adopt Resolution No. 567-03 approving the execution of the Fair Way Ridge Development Agreement with Silvercrest Properties. Ayes (6), Nays (0). Motion carried.</p>
G-2a	<p>An Ordinance Rezoning Approximately 10.53 acres of Property From the R-1 Zoning District to the B-1 Zoning District, and Amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a first reading. (Zoning District Amendment #03-17 – East of HyVee North, North of West River Parkway, South of 37th Street NW, West of Zumbro River)</p>
G-3a	<p>An Ordinance Amending and Reenacting Section 125A.21 of the Rochester Code of Ordinances, Relating to the Permissible Hours of Sales and Consumption of Alcoholic Beverages, was given a second reading.</p> <p>A “sunset clause” had been suggested by Mayor Brede, to terminate at a certain date, to either adopt another ordinance, continue the ordinance, or allow it to lapse. Mayor Brede noted that he would like to look at the 2:00 A.M. opening ordinance in</p>

RECORD OF OFFICIAL PROCEEDINGS OF THE COMMON COUNCIL
CITY OF ROCHESTER, MINNESOTA
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another year to see what the experience has been for the Police Department pre and post to the adoption of the ordinance.

Councilmembers Nowicki moved, McConnell seconded, to amend the Ordinance providing for a one-year termination and as amended that the Ordinance be adopted. Ayes (5), Nays (1). Motion carried. Councilmember Stobaugh voted nay.

G-3b

An Ordinance Annexing to the City of Rochester Approximately 42.09 Acres of Land Located in the Northeast Quarter of Section 19, Township 106 North, Range 13 West, Olmsted County, Minnesota, was given a second reading. Councilmembers Hanson moved, Stobaugh seconded, to adopt the Ordinance as read. Ayes (6), Nays (0). Motion carried. (Annexation Petition #03-21 – north side of TH52, south of Pinewood Road SE, west of 34th Avenue SE, Marion Township)

J-1

Having no further business, Councilmembers Hanson moved, Stobaugh seconded, to adjourn the meeting. Ayes (6), Nays (0). Motion carried.


City Clerk